

Executive order

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Senate

THE EXECUTIVE ORDER GOVERNING INTELLIGENCE ACTIVITIES

Mr. MATHIAS. Mr. President, the Executive order governing the intelligence activities of the United States, signed today by President Carter, results from a unique joint effort of the legislative and executive branches. It represents a year's work by President Carter, Vice President Mondale, NSC Cabinet members, the Senate Select Committee on Intelligence and their staffs. The Executive order is based on the experience of the Church committee which initially examined the abuses of the intelligence community and the reasons for those abuses. It also derives from the Ford Executive Order 11905 and from the study of the performance of the intelligence community done over the past year by the Rockefeller Commission, the Carter administration, and the Select Committee on Intelligence.

The Executive order is an important interim measure leading to statutes which will govern all the intelligence activities of the United States. I have long held the view that a statutory charter is needed and welcome President Carter's support in this matter. Intelligence activities are too important to the security of the United States, and the necessity to conduct these activities largely in secret makes them potentially too dangerous to our democratic society

to permit anything but the most careful joint effort to formulate statutes.

In the drafting of this Executive order, members of the Intelligence Committee have been regularly consulted. Many of us believe that further strengthening of provisions to protect the rights of Americans will be required. During the process of hearings and joint consultation the committee and the executive branch will work through the draft bills to be introduced next week to reach as close a consensus as possible. The bill will then be brought to the floor for action. This process will permit further exploration of both the reasons for particular intelligence efforts and the degree of flexibility necessary and appropriate to intelligence activities. The most difficult problem facing the committee and the executive will be to provide adequate flexibility for intelligence activities in a legal framework that strengthens the protections to Americans guaranteed in the Constitution.

The draft charters which Senator HUDDLESTON and I and other members of the committee have worked on during the past year and which we will introduce next week, provide what is in effect an agenda for action during the coming year.

I believe that this joint effort—so fully supported by both the President and the leadership in the Senate and House over the past year—will produce sound law, consistent with the Constitution, to govern intelligence activities, which will command overwhelming support of the American people.